IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.391 OF 1994.

Sou.Mangala Madhav Bhure. ... Petitioner.
Versus.
Mrs.Vasundhara Ashok Bhagwat
and others. ... Respondents.

Shri B.B.Vyagani for the Petitioner.

Shri K.V.Saste, A.P.P.for the Respondent-State.

Shri M.B.Mehere for the Respondents Nos.1 and 2.

CORAM : ABHAY S. OKA, J.

DATED : 22nd June, 2005.

P.C.:

1. Heard the learned Counsel appearing for the Petitioner and the learned Counsel appearing for the Respondent No.1 and 2. The learned Counsel appearing for the parties state that Regular Civil Suit No.318 of 1993 between the same parties in respect of the disputed property is pending in the Civil Court in which interim order has been passed directing the parties to maintain status-quo. The learned Counsel appearing for the parties further submit that the suit has reached the stage of final hearing and the continuation of the impugned order dated 4th December 1993 and the proceeding under section 145 of the Code of Criminal Procedure, 1973, is not warranted as the parties are bound to maintain statusquo till disposal of the suit.

2. In view of this submission made by the learned Counsel appearing for the parties, it is not necessary to adjudicate upon the merits of controversy. Hence the petition is disposed of by the following order:

(i) Till final disposal of Regular Civil Suit No.318 of 1993, the Petitioner and the Respondents Nos.1 and 2 will maintain status-quo as directed by the Civil Court by an interim order.

(ii) The order dated 4th December 1993, (Exh.D) and the proceedings initiated under section 145 of the said Code of 1973 vide Chapter Case No.91 of 1993 are quashed and set aside.

(iii) All questions on merit are expressly kept open.

(iv) Petition is disposed of in the above terms.

(v) Parties to act on authenticated copy of this order.

Judge.